

CCRB INVESTIGATIVE RECOMMENDATION

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|--|-------------------------------------|---------------------------|---|---|---------------------------------|
| Investigator: Jonathan Phillips | Team: Team # 7 | CCRB Case #: 200919107 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 12/15/2009 2:40 PM | Location of Incident: § 87(2)(b) | Precinct: 28 | 18 Mo. SOL 6/15/2011 | EO SOL 6/15/2011 | |
| Date/Time CV Reported Tue, 12/15/2009 2:53 PM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 12/15/2009 2:53 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|----------------------|--------|--------|---------|
| 1. POM Brian Davis | 25667 | 931624 | 028 PCT |
| 2. POF Amey Kaminska | 12955 | 941609 | 028 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. POF Veronica Soto | 03130 | 939508 | 028 PCT |
| 2. POM Anthony Navaretta | 12457 | 937870 | 028 PCT |
| 3. SGT Liza Aviles | 00312 | 929664 | 028 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|---------------------|--|-----------------------------|
| A.POF Amey Kaminska | Discourtesy: PO Amey Kaminska spoke obscenely to § 87(2)(b) | § 87(2)(b) |
| B.POM Brian Davis | Force: PO Brian Davis used physical force against § 87(2)(b) | § 87(2)(b) |

Case Summary

§ 87(2)(b) filed a complaint with the Civilian Complaint Review Board over the phone on December 15, 2009. At approximately 2:40 p.m. on December 15, 2009, § 87(2)(b) was standing inside the lobby of his apartment building, located at § 87(2)(b) in Manhattan, when he was instructed by PO Amey Kaminska, who was standing outside the building with several other officers banging on the door, to open the “fucking door.” Because § 87(2)(b) did not appreciate the tone of voice PO Kaminska was using with him he walked into the elevator and advanced towards his apartment, located on the fifth floor.

After a brief time, § 87(2)(b) exited his apartment smoking a cigarette in order to walk his dog. Standing in the hallway outside his apartment were PO Kaminska along with PO Brian Davis, PO Veornica Soto, PO Anthony Navaretta, and Sgt. Liza Aviles. § 87(2)(b) read the names off of the officers’ uniforms). PO Davis approached § 87(2)(b) grabbed him, and threw him against a wall, causing § 87(2)(b) to sustain an injury to his finger. § 87(2)(b) was issued a summons for failing to comply with an officer’s order.

Given that § 87(2)(b) identified PO Kaminska as the officer who allegedly spoke obscenely to him, **Allegation A** is pleaded against **PO Kaminska**. **Allegation B** is pleaded against **PO Davis**, as § 87(2)(b) identified him by name when filing his complaint over the telephone.

Between December 18, 2009 and January 5, 2010 the undersigned investigator placed five calls to § 87(2)(b). Two contact letters were sent to his address on December 22, 2009, and January 4, 2010; none of the letters have been returned to the CCRB. On January 5, 2010, the undersigned contacted § 87(2)(b) and scheduled him for a CCRB interview on January 12, 2010. § 87(2)(b) failed to appear for his interview. Given that § 87(2)(b) failed to appear at the CCRB for his previously scheduled interview and had not responded to prior attempts made at contacting him, § 87(2)(g)

Team: 7

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|---------------|-----------|-------------------|-------|
| Investigator: | _____ | Jonathan Phillips | _____ |
| | Signature | Print | Date |

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|-------------|-----------------|-------|-------|
| Supervisor: | _____ | _____ | _____ |
| | Title/Signature | Print | Date |

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|-----------|-----------------|-------|-------|
| Reviewer: | _____ | _____ | _____ |
| | Title/Signature | Print | Date |

| | | | |
|-----------|-----------------|-------|-------|
| Reviewer: | _____ | _____ | _____ |
| | Title/Signature | Print | Date |